

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
MARCH 20, 2001
6:30 P.M.**

MINUTES

1. Call to Order/Roll Call.

Mayor Seei called the meeting to order at 6:30 p.m. and announced a quorum was present.

Those present were: Mayor Seei, Deputy Mayor Pro-Tem Downey, Mayor Pro-Tem Reveal, Council member Simpson, Council member Osuna, Council member Nichols and Council member Maso.

Staff present were: George Purefoy, City Manager, Curtis Hawk, Assistant City Manager, Scott Young, Assistant City Manager, Jason Gray, Assistant to the City Manager, John Lettelleir, Director of Planning, Frank Jaromin, City Engineer, Julie Fort, Attorney, Scott Norris, Senior Planner, Dana Baird-Hanks, Public Information Officer and Nan Parker, City Secretary.

2. Invocation.

Mayor Seei said the invocation.

3. Pledge of Allegiance.

Deputy Mayor Pro-Tem Downey led the audience in the Pledge of Allegiance.

4. Citizen Input. (To begin approximately at 7:30 p.m.)

Korinne Vanderpool was present to address the council with concerns of heavy traffic on County Road 112.

Discussion only, no formal action was taken.

5. Reports.

A. Council report on "City Celebrations" for municipal projects successfully completed.

Council member Osuna read a letter from a citizen commending the water crew for the recent repair of a water line break.

Mayor Pro-Tem Reveal updated the council and audience on the forthcoming "Relay for Life". In her comments she mentioned that the well-known "Snow cone Lady" had relocated her stand to west Main and Second Street.

Mayor Seei stated that Judge Harris had been detained in Austin. In her comments she mentioned that the Boys & Girls Club had found a new location in the downtown area. She stated Council member Osuna would be monitoring the council on the governance agenda for the meeting.

Discussion only, no formal action was taken.

B. City Manager's update of "Project Status Tracking Report Governance Tool".

Jason Gray, Assistant to the City Manager informed the council that the tracking report (Governance Tool) had been saved on the back-up tape and had been recovered.

Dana Baird-Hanks updated the council on the new, up and running, website for the city.

Council member Simpson stated that he would like to meet with Mr. Purefoy about the median landscaping regarding the use of city crews or contract labor.

Discussion only, no formal action was taken.

C. Capital Improvement Projects report.

No discussion.

6. Consent Agenda

The Consent Agenda was considered for approval. Council member Simpson moved to approve the Consent Agenda. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

- A. Approval of the Minutes of the City Council and Planning & Zoning Commission on March 1, 2001, Minutes of the Special Called City Council Meeting of March 1, 2001 and the Minutes of the Regular City Council Meeting of March 6, 2001.
- B. Approval of invoices.
- C. Approval of tax refunds over \$500.00.
- D. Approval of Pay Request No. 8 for Project No. 11, First Street & North County Road to Mario Sinacola & Sons in the amount of \$66,806.05.
- E. Approval of Pay Request No. 15 for Project No. 3, Lebanon Road/Parkwood Blvd. to Mario Sinacola & Sons in the amount of \$229,389.29.

- F. Approval of Pay Request No. 3 for Project No. 363, to Frisco Industrial Partners, Ltd. in the amount of \$56,245.91.
- G. Approval of Final Acceptance of Project No. 38, 20" Water Line Eldorado/Eldorado Parkway.
- H. Approval of Final Acceptance of Project No. 388, Prestmont Center Blk. A, Lot 2 (Goodyear Service Center).
- I. Approval of Final Acceptance of Project No. 195, Stonebriar Community Church, Phase 1.
- J. Approval of Pay Request No. 1 for architectural services for Fire Station No. 4 to Architects Phelps/Wood in the amount of \$7,462.50.
- K. Approval of Pay Request No. 8 for Warren Sports Complex Phase 3 to Dean Construction in the amount of \$85,865.69.
- L. Approval of Pay Request No. 1 for Warren Sports Complex Phase IV to Dean Construction in the amount of \$112,100.00.
- M. Approval to purchase a 2001 Toro Mower for the Parks Department from HGAC in the amount of \$10,898.51.
- N. Adoption of **Resolution No. 01-03-44R** designating the City Manager to represent the City of Frisco in the Collin County Park and Open Space Matching Grant Program.
- O. Approval of Pay Request No. 1 for additional sirens for the Early Warning System to American Communications in the amount of \$35,350.72.
- P. Adoption of **Resolution No. 01-03-45R** in support of the efforts to obtain additional funding for small city and rural public transit in Texas.
- Q. Approval of an Agreement by and between the City of Frisco and DynaSource, Inc. for document imaging and management services and adoption of **Resolution No. 01-03-46R** authorizing the City Manager to sign the Agreement.

END OF CONSENT AGENDA

7. Legislative Agenda

The Legislative Agenda was considered for approval. Mayor Pro-Tem Reveal moved to pull Item C. Council member Maso seconded the Motion. Motion carried. Vote: 6-0. Deputy Mayor Pro-Tem Downey moved to pull Item E. Council member Nichols seconded the Motion. Motion carried. Vote: 6-0. Council member Osuna moved to pull Item G. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0. Council member Maso moved to pull Item L. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

Mayor Pro-Tem Reveal moved to approve the Legislative Agenda, excluding Items C,E,G and L. Council member Osuna seconded the Motion. Motion carried. Vote: 6-0.

- A. Approval of a Final Plat: The Trails Phase 5B Applicant(s): J. Baker Corporation 79 Single-Family-5 lots on 21.9± acres on the south side of Trails Parkway at Crockett Drive. Zoned Planned Development-75-Single-Family-5. Neighborhood #44.

- B. Assessment of impact fees for The Trails Phase 5B
- C. **Approval of a Final Plat & Site Plan: Hillcrest Place Block A, Lot 1 Applicant(s): Hillcrest Othel. Ltd. and Standridge Companies. A convenience store with gas pumps on one lot on 1.5+ acres on the southeast corner F. M. 720 (Main Street) and Hillcrest Road. Zoned Commercial-1. Neighborhood #13.**

Mayor Pro-Tem Reveal questioned if a traffic impact analysis had been done on this project. John Lettelleir, Director of Planner confirmed that it had been done.

Following discussion, Mayor Pro-Tem Reveal moved to approve Item C. Council member Maso seconded the Motion. Motion carried. Vote: 6-0.

- D. Assessment of impact fees for: Hillcrest Place Block A, Lot 1.
- E. **Approval of a Preliminary Plat: The Chase at Stonebriar Applicant(s): Albert Galvani & Hillwood Development 56 Patio-Home lots and 77 Town Home lots on 25.7± acres on the east side of Legacy Drive 300+ feet south of Stonebriar Drive. Zoned Planned Development-32-Patio-Home. Neighborhood #34.**

Deputy Mayor Pro-Tem Downey asked if the Patio Homes and Town Homes met zoning requirements on the areas. He voiced concerns about a median cut to Legacy Drive and suggested a review to decrease the number of median cuts to Legacy Drive.

Following discussion, Deputy Mayor Pro-Tem Downey moved to approve the Preliminary Plat. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

- F. Approval of a Right-of Way Dedication Plat: Eldorado Parkway, Hillcrest Road and Panther Creek Parkway. Applicant(s): Huffines and Partners Inc. and The City of Frisco Right-of-way dedication plat for Eldorado Parkway, Hillcrest Road and Panther Creek Parkway on 42.0± acres on the east side of S. H. 289 at the intersection of Eldorado Parkway. Neighborhood #9.

- G. Consider and act upon approval of a Preliminary Site Plan: 5th Avenue Cleaners Applicant(s): North Commercial 75 Joint Venture and Kum Sa H.H. Co. Two retail buildings on two lots on 16.0± acres on the southwest corner of Wade Boulevard and Preston Road. Zoned Commercial-1. Neighborhood #23.**

Council member Osuna voiced concerns about the alignment of the roads and requested assurance that the lanes and medians will align. Staff reassured Council member Osuna that they would align.

Following discussion, Council member Osuna moved to approve the request. Council member Nichols seconded the Motion. Motion carried. Vote: 6-0.

- H. Approval of a Conveyance Plat: Frisco Street, West Main Street, Church Street, Page Street, Burnham Street, Library Street, West Library Street, East Library Street, Goodhue Street, Short Street, Moore Street, Gordon Street, Clarkson Street, and Cotton Gin Road Applicant(s): Frisco Square Ltd. and City of Frisco Right-of-way dedication on 16.0± acres on the south side of Main Street (F.M. 720), 1,350± feet east of the Dallas North Tollway. Zoned Planned Development-153. Neighborhood #40.
- I. Approval of a Final Plat: Frisco Square – Phase 1.
Applicant(s): Frisco Square Ltd. and City of Frisco 43 Single-Family lots and two open space lots on 9.3± acres on the north side of Cotton Gin Road, 1,550± feet east of the Dallas North Tollway. Zoned Planned Development-153. Neighborhood #40.
- J. Assessment of impact fees for Frisco Square – Phase 1.
- K. Approval of a Preliminary Site Plan/Concept Plan: Northstar Business Park Applicant: Connell Development Co. A self storage facility and 14 building areas shown on 14 lots on 55.1± acres on the east side of F.M. 2934 (Frisco Street) 1,500± feet north of F.M. 720 (Main Street). Zoned Planned Commercial-2. Neighborhood #46.
- L. **Consider and act upon adoption of an Ordinance amending Frisco Ordinance No. 00-09-16; amending Engineering Design Standards and Construction Details, Section 4 (Sanitary Sewer Design Requirements) and adopting Section 6 (Thoroughfare and Circulation Design Requirements).**

Frank Jaromin, City Engineer requested the item be tabled. Following discussion, Mayor Pro-Tem Reveal moved to **table** the item until the April 3, 2001 Meeting. Council member Osuna seconded the Motion. Motion carried. Vote: 6-0.

END OF LEGISLATIVE AGENDA

Regular Agenda:

The Regular Agenda was considered for approval.

8. Presentation regarding SH 121 by Judge Ron Harris.

Judge Harris was detained in Austin. Ruben Delgado, County Engineer of Collin County and representatives of NTTA and TxDOT were present to address the Council regarding SH 121.

Mr. Delgado introduced Paul Wadgeman, Collin County's Representative on the NTTA.

Discussion regarding funding of S.H. 121 as a toll road. Discussion regarding the County and Cities of Frisco, Plano, Allen & McKinney funding portions of SH 121 with TxDOT funding the main lanes.

The representatives informed the council that NTTA and TxDOT are working to get the interchange (overpass at Ohio and SH 121) designed. Mr. Jerry Hebert stated that the interlocal agreements between TxDOT and NTTA were not in place, but the NTTA is pressing on.

Members of the council were not favorable of making SH 121 a toll road. SH 121 in Denton County is not a toll road and council felt it would be more conducive to keep the entire SH 121 as freeway.

Discussion only, no formal action was taken.

- 9. Public Hearing: Zoning Case Z2000-58. Applicant(s): Stewart Armstrong and Binary Inv., Inc. A request to rezone 152.1+ acres 300+ feet north of Panther Creek Parkway (C.R. 23) on the east and west sides of future Hillcrest Road from Agricultural to Planned Development-Patio Home/Single-Family-5. Neighborhood #8 and 9. Consider and act to instruct staff to prepare an ordinance on the above request. Tabled at the February 6, 2001 and February 19, 2001 City Council Meetings.**

Mayor Pro-Tem Reveal moved to remove the item from the table. Council member Nichols seconded the Motion. Motion carried. Vote: 6-0.

John Lettelleir, Director of Planning informed the council the applicant had withdrawn his request.

Council member Maso moved to accept the applicant's request to withdraw. Council member Osuna seconded the Motion. Motion carried. Vote: 6-0.

- 10. Consider and act upon approval of a Concept Plan: Creeks on Hillcrest. Applicant(s): Stewart Armstrong and Binary Inv., Inc. 353 Patio Home lots, 134 Single-Family-5 lots, and three open space lots on 152.1+ acres 300+ feet north of Panther Creek Parkway (C.R. 23) on the east and west sides of future Hillcrest Road. Zoned Agricultural. Requested zoning is Planned Development-Patio Home/Single-Family-5. Neighborhoods #8 and 9. Tabled at the February 6, 2001 and February 19, 2001 City Council Meetings.**

Council member Nichols moved to remove the item from the table. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

John Lettelleir, Director of Planning informed the council the applicant had withdrawn his request.

Council member Nichols moved to accept the applicant's request to withdraw. Council member Osuna seconded the Motion. Motion carried. Vote: 6-0.

- 11. Public Hearing: Zoning Case Z2000-59. Applicant(s): Stewart Armstrong and Binary Inv., Inc. A request to rezone 60.0+ acres on the north side of Panther Creek Parkway (C.R. 23), 1,350+ feet west of future Hillcrest Road from**

Agricultural to Planned Development-Patio Home/Single-Family-5. Neighborhood #9. Consider and act to instruct staff to prepare an ordinance on the above request. Tabled at the February 6, 2001 and February 19, 2001 City Council Meetings.

Council member Nichols moved to remove the item from the table. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

John Lettelleir, Director of Planning informed the council the applicant had withdrawn his request.

Council member Osuna moved to accept the applicant's request to withdraw. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

12. Consider and act upon approval of a Concept Plan: The Woods on Panther Creek. Applicant(s): Stewart Armstrong and Binary Inv., Inc. 199 Patio Home lots, 36 Single-Family-5 lots, and three open space lots on 60.0+ acres on the north side of Panther Creek Parkway (C.R. 23), 1,350+ feet west of future Hillcrest Road. Zoned Agricultural. Requested zoning is Planned Development-Patio Home/Single-Family-5. Neighborhood #9. Tabled at the February 6, 2001 and February 19, 2001 City Council Meeting.

Council member Nichols moved to remove the item from the table. Council member Maso seconded the Motion. Motion carried. Vote: 6-0.

John Lettelleir, Director of Planning informed the council the applicant had withdrawn his request.

Council member Maso moved to accept the applicant's request to withdraw. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

13. Consider and act upon approval of Site Plan & Final Plat: Phelps and Wood Addition, Block 1, Lot 1 Applicant(s): Metricom, Architects Phelps/Wood, and Whalen & Company An existing office and an existing tower on one lot on 1.0+ acre on the southeast corner of F.M. 720 (Main Street) and Taft Powell Road. Zoned Agricultural with Specific Use Permit-51 for a Telecommunications Antenna. Neighborhood #18. Tabled at the February 6, 2001, February 19, 2001 and March 6, 2001 City Council Meetings.

Mayor Pro-Tem Reveal moved to remove the item from the table. Council member Nichols seconded the Motion. Motion carried. Vote: 6-0.

John Lettelleir, Director of Planning, informed the council that the property is zoned Agricultural (AG) and that a specific use permit is not a permitted use in AG. He informed the council that the tower had been built on the property prior to the property being annexed into the city limits. When the first applicant made a request for the SUP, it was issued in error.

Mr. Lettelleir informed the council that as a rule staff encourages co-location of antennas on existing towers.

Mr. Lettelleir informed the council that if the property came in for rezoning as G-1 that allows a specific use for a permit, the setbacks would not be correct. If the item went before the Board of Adjustment, staff would have to recommend denial because it does not meet the criteria as outlined by State Law for a variance.

Following discussion, Mayor Pro-Tem Reveal moved to **deny** the request and conduct a public hearing to rescind the specific use permit. Council member Maso seconded the Motion. Motion carried. Vote: 6-0.

14. Consider and act upon assessment of impact fees for Phelps and Wood Addition, Block 1, Lot 1. Tabled at the February 6, 2001, February 19, 2001 and March 6, 2001 City Council Meetings.

Council member Osuna moved to remove the item from the table. Council member Simpson seconded the Motion. Motion carried. Vote: 6-0.

Council member Simpson moved withdraw assessment of impact fees. Council member Osuna seconded the Motion. Motion carried. Vote: 6-0.

15. Public Hearing: Zoning Case Z2000-62. Applicant(s): City of Frisco. A request to amend the Zoning Ordinance as it relates to the appeal process for zoning cases. Consider and act to instruct staff to prepare an ordinance on the above request.

Council member Osuna moved to open the public hearing. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

John Lettelleir, Director of Planning, informed the council that the City's Zoning Ordinance did not provide for an appeal procedure.

There being no one present to speak for or against the request, Council member Nichols moved to close the public hearing. Council member Maso seconded the Motion. Motion carried. Vote: 6-0.

Council member Osuna moved to instruct staff to prepare an ordinance creating an appeal process and bring it back to council for adoption at a later date. Council member Nichols seconded the Motion. Motion carried. Vote: 6-0.

16. Public Hearing: Specific Use Permit SUP2001-03. Applicant(s): Gloria E. Fuentes, Gloria's Restaurant. A request for a Specific Use Permit for a Private Club on 0.1± acre 220± feet north of Gaylord Parkway, 1,100± feet west of Preston Road. Zoned Planned Development-25. Neighborhood #35. Consider and act to instruct staff to prepare an ordinance on the above request.

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Maso

seconded the Motion. Motion carried. Vote: 6-0.

John Lettelleir, Director of Planning updated the Council on the Staff and the Planning and Zoning Commission's recommendations.

There being no one present to speak for or against the request, Council member Osuna moved to close the public hearing. Council member Nichols seconded the Motion. Motion carried. Vote: 6-0.

Following discussion, Council member Simpson moved to instruct staff to prepare an ordinance granting a SUP to Gloria's Restaurant, and to bring the ordinance back to the council for adoption. Council member Osuna seconded the Motion. Motion carried. Vote: 6-0.

17. Public Hearing: Consider and act upon approval of abandoning a sewer line easement situated within a 0.2066 acre tract, more or less, being out of the B.L. Roger Survey, Abstract No. 754, in the City of Frisco, Collin County, Texas and adopt a Ordinance of same.

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Nichols seconded the Motion. Motion carried. Vote: 6-0.

Kirk Williams was present and stated that he had some concerns over the field notes.

Frank Jaromin requested the council table the item.

There being no one else present to speak for or against the request, Council member Osuna moved to close the public hearing. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

Following discussion, Council member Osuna moved to **table the item and continue the public hearing**. Council member Simpson seconded the Motion. Motion carried. Vote: 6-0.

18. Consider and act upon adoption of a Resolution authorizing the construction of frontage roads and main lanes for SH 121 between US 75 and the Dallas North Tollway.

Discussion regarding the construction of frontage roads and main lanes of SH 121 between DNT and US 75. The majority of the council felt that the adoption of the resolution would show the City's interest in Collin County and TxDOT moving forward for the construction of the frontage roads and main lanes for SH 121, but they were adamant the adoption of the resolution did not commit the City to a toll road.

Following discussion, Council member Simpson moved to adopt **Resolution No. 01-03-47R** therein supporting the construction of frontage roads and main lanes for SH 121 from DNT to US 75 subject to Mr. Purefoy writing a letter to TxDOT and Collin County

that the Resolution in no way commits the City of Frisco to approval of a toll road. Mayor Pro-Tem Reveal seconded the Motion. Voting for: Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Downey, Council member Maso, Council member Osuna and Council member Simpson. Voting against: Council member Nichols. Motion carried. Vote: 5-1.

19. Consider and act upon the request by American Golf Corporation for an extension on the portable building.

Steve Howard, Architect, was present to address the council requesting an extension of the portable/temporary building(s) currently located at The Trails. Mr. Howard assured the council that the new country club would be completed by November 19, 2001 and the portable/temporary building(s) would be removed at that time.

Following lengthy discussion, Council member Simpson moved to approve the extension until November 19, 2001 and if the buildings were not removed then the City would begin the issuances of fines. Deputy Mayor Pro-Tem Downey seconded the Motion. Voting for: Deputy Mayor Pro-Tem Downey, Council member Maso, Council member Osuna and Council member Simpson. Voting no: Mayor Pro-Tem Reveal and Council member Nichols. Motion carried. Vote: 4-2.

In making the motion the council reiterated to the applicant that they (council) would **not** issue another extension. Council reiterated to the applicant that they felt that the applicant had not shown due diligence and that they (applicant) should have requested their building permit and started construction before the month the temporary building permit was due to expire.

20. Consider and act upon approval of a Final Plat / Revised Conveyance Plat & Site Plan: EZ Storage, Block A, Lots 1-5 Applicant(s): Frisco EZ Storage LLC and Myers & Company, Inc. A self-storage/mini-warehouse facility on five lots on 11.0+ acres on the southwest corner of Stonebrook Parkway and Woodstream Drive. Zoned Commercial-1 with Specific Use Permit-102 for a Self-Storage/Mini-Warehouse. Neighborhood #23.

Kirk Williams spoke in favor of the request.

Staff recommended that there be language on the site plan regarding safety issues.

John Meyers addressed the council and informed them that he had the other properties for sale, but that he planned to construct the EZ Storage facility.

Following discussion, Council member Simpson moved to approve the final plat/conveyance plat & site plan subject to:

Site Plan

1. Addition of a note to the site plan regarding closure of the driveway extending to Stonebrook Parkway, construction of a fire lane and access easement from Lot 2 to Lot 4, and construction of a median opening across from Lot 4 upon direction

- by the City.
2. Staff approval of the landscape plan.
 3. Submission of building plans consistent with the conceptual building elevations approved by the City Council with their approval of the Specific Use Permit.

Final Plat and Revised Conveyance Plat

Additions and/or alterations to the engineering plans as required by the Engineering Department.

Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

21. Consider and act upon assessment of impact fees for EZ Storage, Block A, Lots 1-5.

Mayor Pro-Tem Reveal moved to assess the impact fees for EZ Storage, Block A, Lots 1-5. Council member Nichols seconded the Motion. Motion carried. Vote: 6-0.

22. Discussion regarding Ordinance Number 00-10-04 that limits all speakers other than the City of Frisco Staff to three (3) minutes per item except by prior consent of the City Council.

Council member Osuna moved to instruct staff to prepare an ordinance repealing Ordinance No. 00-10-04 and prepare an ordinance for council adoption that will allow five (5) minutes for speakers other than the City of Frisco staff. Council member Simpson seconded the Motion. Motion carried. Vote: 6-0.

23. Consider and act upon approval of Tax Abatement Agreement with Stonecreek Land, L.P. by and between Stonecreek Land, L.P. and the City of Frisco and adopt a Resolution authorizing the City Manager to sign the Agreement. Tabled at the February 19, 2001 and March 6, 2001 City Council Meeting.

Mayor Pro-Tem Reveal moved to remove the item from the table. Council member Osuna seconded the Motion. Motion carried. Vote: 6-0.

Following discussion, Deputy Mayor Pro-Tem Downey moved to **table** the item. Council member Nichols seconded the Motion. Motion carried. Vote: 6-0.

24. Consider and act upon approval of a Development Agreement by and between City of Frisco and Stonecreek Land, L.P. and adopt a Resolution authorizing City Manager to sign the Agreement. Tabled at the March 6, 2001 City Council Meeting.

The item was left on the table. No discussion or action was taken.

25. Consider and act upon approval of a Impact Fee Agreement by and between the City of Frisco and Suzanne C. King, Individually, And As Independent Executor of the Estate of Cecile Smith Fisher, Deceased, Jack Noel Cannaday and James B.

(Jim) Cannaday III and adopt a Resolution authorizing the City Manager to sign the Agreement.

Scott Norris, Senior Planner was present to address the Council regarding the Impact Fee Agreement.

Following discussion, Mayor Pro-Tem Reveal moved to adopt **Resolution No. 01-03-48R** therein authorizing the City Manager to execute the approved Impact Fee Agreement by and between the City of Frisco and Suzanne C. King, Individually, And As Independent Executor of the Estate of Cecile Smith Fisher, Deceased, Jack Noel Cannaday and James B. (Jim) Cannaday III. Council member Osuna seconded the Motion. Motion carried. Vote: 6-0.

26. Consider and act upon adoption of a Tributary Ordinance.

Scott Norris, Senior Planner addressed the council regarding the adoption of a tributary ordinance. Mr. Norris stated that the ordinance is temporary and that he would bring back the permanent ordinance upon its completion.

Following discussion, Council member Osuna moved to adopt **Ordinance No.01-03-25**. Council member Nichols seconded the Motion. Motion carried. Vote: 6-0.

27. Discussion regarding amendments to the Tree Ordinance.

Scott Young and Dudley Raymond updated the council on the current procedures for removal of trees.

Bruce Smith of Starwood was present to address the council regarding Land Plan's attention to removal of trees.

Pat Adkins was present to address the council to inform them that Mr. Shaddock did not own the property north of Custer Creek Estates where the trees had been cut in weeks past.

Discussion only, no formal action was taken.

28. Governance Agenda

Jason Gray, Assistant to the City Manager reviewed the following with the council:

Policy Title: Ends Monitoring Process
Review of Ends Monitoring Reports.
Policy Title: Ends Development Process
Discussion regarding residential housing diversity end point.

29. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit:

Council member Osuna moved to recess into Closed Session at 9:09 p.m. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0. Mayor Seei announced the Council was in Closed Session for the following:

- I. Section 551.074 annual review of and evaluation of the Municipal Judge.*
- II. Section 551.086. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- III. Section 551.071 - Consultation with the attorney for the City regarding legal aspects of zoning control.

*Council did not evaluate the Municipal Judge during this meeting.

30. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Council member Maso moved to reconvene into Regular Session at 10:20 p.m. Council member Simpson seconded the Motion. Motion carried. Vote: 6-0. There was no action taken as a result of the Closed Session.

31. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

Items that council required action as a result of the meeting were:

- Staff was instructed to review possible policy on median cut processes for the alignment of thoroughfares and intersections.
- Staff was instructed to monitor speeders and unauthorized trucks (axle load) on County Road 112
- Staff was instructed to prepare for a public hearing for the repeal of the Specific Use Permit that had been issued for a tower on Taft Powell Road.
- Mr. Purefoy was instructed to attach his letter regarding SH 121 with the adopted Resolution No. 01-03-47R
- Staff was asked about digital/cellular phone providers and if they have emergency plans (ice storms)

32. Discussion on Governance's Monitoring of present City Council Meeting.

Discussion only, no formal action was taken.

33. Adjourn.

There being no additional business, the meeting was adjourned at 11:55 pm.

Kathleen A. Seei, Mayor

ATTEST:

Nan Parker, City Secretary